

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                            |
|----------------------------|
| USDC N.Y.                  |
| DOC. GEN.                  |
| ELECTRONICALLY FILED       |
| DOC #:                     |
| DATE FILED: <u>9/26/13</u> |

UNITED STATES

X

S5 11 Cr. 1032 (PAE)

-v-

LEONIDES SIERRA et al.,

ORDER

Defendants.

X

PAUL A. ENGELMAYER, District Judge:

The Court is contemplating setting a control date for a first trial among Murder Defendants in this matter, so as to facilitate counsels' planning. The Court recognizes that doing so at this point may or may not prove practical, depending on various factors, but is seeking information from counsel bearing on this determination. The Court further recognizes that, even if a control date were set as to certain defendants, future events (e.g., the outcome of pretrial motions, including potential motions to sever) may require the trial date, and/or the identity of the defendants to be tried on that date, to be modified.

The information the Court seeks is as follows:

1. The Government is directed to report on the status of the capital review process, including whether that process has been completed as to any of the Murder Defendants and, as to those for whom it has not, the Government's current understanding of when that process is likely to conclude. The Government should specifically address the status of the capital review process with respect to the four defendants who have requested that a trial date be set as to them.

2. The Government is directed to set forth its views, on the assumption that the capital review process results in a determination not to pursue the death penalty as to the four defendants who have requested that a trial date be set as to them, as to the rationality of trying those four defendants, or a subset of them, in a common trial. The Government should address as well whether any other specific defendant or defendants ought logically to be tried with some or all of those four defendants, and if so, what the status is of those defendants with respect to the capital review process. The Government should also address the anticipated length of a trial involving those four defendants and of any combination of defendants addressed in the Government's letter.
3. The Government's letter responding to these questions is due Thursday, October 3, 2013. The Government is welcome to address any other issues it views as relevant to the Court's inquiry.
4. Counsel for each of the four defendants who have requested that a trial date be set as to them are directed to notify the Court of any unavoidable scheduling conflicts (*e.g.*, trial dates in other cases) during the first six months of 2014. Counsel for any other defendants referenced in the Government's letter as plausibly tried alongside any of those four defendants are directed also to respond with this same information.
5. Counsel for all defendants are additionally invited to respond to the Government's letter and to address any issues or factors they view as relevant. Any defense letters on this subject are due Thursday, October 10, 2013.

SO ORDERED.

Paul A. Engelmayer

Paul A. Engelmayer  
United States District Judge

Dated: September 26, 2013  
New York, New York